

STATE OF MISSISSIPPI

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OFFICE OF THE ATTORNEY GENERAL

MIKE MOORE
ATTORNEY GENERAL

Frank Spencer
Special Assistant Attorney General

December 16, 1996

VIA FEDERAL EXPRESS

Office of the Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

**RE: In the Matter of Federal-State Joint Board Recommended Decision
CC Docket No. 96-45**

Dear Sir or Madam:

Enclosed for filing please find the original and four (4) copies of the **JOINT COMMENTS OF THE MISSISSIPPI COUNCIL FOR EDUCATION TECHNOLOGY AND THE MISSISSIPPI LIBRARY COMMISSION** in the above referenced docket.

Please return to me one copy, file-marked, in the enclosed stamped envelope.

Thank you for your assistance in this matter.

Sincerely,

Frank Spencer
Special Assistant Attorney General

FS/rl
Enclosures
cc: All parties

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Sincerely,

A handwritten signature in dark ink, appearing to read "F R Spencer", written in a cursive style.

Frank Spencer
Special Assistant Attorney General

FS/rl
Enclosures
cc: All parties

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

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In the Matter of

Federal-State Joint Board
Recommended Decision

To: The Commission

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CC Docket No. 96-45

**JOINT COMMENTS OF THE MISSISSIPPI COUNCIL FOR EDUCATION
TECHNOLOGY AND THE MISSISSIPPI LIBRARY COMMISSION**

The Mississippi Council for Education Technology and the Mississippi Library Commission hereby files their Joint Comments in response to the above captioned proceeding.

1. The Mississippi Council for Education Technology (Council) is a statutorily created Council in Mississippi, some of whose duties include:

- a. To serve as an advisory body to the State Board of Education;
- b. To developing the State long-range master plan for the efficient and equitable use of technology at all educational levels from primary school through higher education, including vocational and adult education;
- c. To create, oversee and monitor a well-planned and efficient network of technology services to meet the educational and informational needs of the State schools;
- d. To encourage an environment receptive to technological progress in education in the State; and
- e. To create the strategic plan for distance learning in the state.

Members of the Council include the State Superintendent of Education, the Executive-Director of the State Information Technology Services, the Executive-Director of Mississippi Educational Television, the Executive-Director of the Mississippi Library Commission, the Executive-Director of the State Board for Community and Junior Colleges and the Commissioner of Higher Education.

2. The Mississippi Library Commission is a statutorily created State agency which is responsible for the establishment of, funding for, and the provision of expert and technical assistance to libraries in the State.

3. Initially, it should be pointed out that as an agency of the state, the Mississippi Library Commission (Commission) fulfills many roles for Mississippi's libraries. The agency offers consulting services, access to an in-agency collection of more than 200,000 volumes, coordination of interlibrary sharing of resources, reference assistance, and access to information not readily available in rural communities. One of the goals of the Commission is to assist libraries in bringing the benefits of advanced telecommunications services to the libraries of Mississippi. Such assistance is particularly imperative in Mississippi since many of its citizens will never realize those benefits unless access is provided by the public sector.

With this in mind, the Council and the Commission support the American Library Association's position that interpreting "universal services" as services "available to all." The Council and the Library Commission join our voice to others in the professional community to urge that the Federal Communications Commission implement the Federal-State Joint Board recommendations by the 1997-1998 school year.

Providing "universal service" access to telecommunications for schools and libraries is a

vital part of support for education in today's technology driven society. Mississippi is a largely rural state with a substantial portion of its citizenry living below the poverty level (23.8%), 8.7% earning at or below minimum wage, and another 19.5% earning between \$4.26 and \$5.12 per hour. It is vital that the state and federal governments seek ways to ameliorate this socioeconomic condition by providing and supporting educational institutions.

Libraries in Mississippi will benefit from the Joint Board's recommendation that membership in a coalition of service providers not bar libraries from receiving the benefits from the provisions of the telecommunications act. Providing an avenue to the benefits of telecommunications services in libraries equalizes access to information between haves and have nots and between rural and suburban communities.

The Mississippi Commission is in the process of implementing a statewide telecommunications network for public libraries. It will provide information needed for economic development, educational enhancement, lifelong learning, doors to government information and publications, and social changes. Because of a mandate from the Mississippi Legislature, the public libraries' network will share telecommunications resources with the state's educational television authority, universities, community/junior colleges, and public schools, including each institution's library.

Currently shared resources consist of a frame relay backbone and Internet access. Negotiating such sharing has provided access to better quality services at a substantial savings for the state. Plans underway call for seeking further opportunities for sharing of additional services and for adding other government services to Mississippi's network of networks.

In particular, Mississippi's libraries have a vital interest in the proposed discounted rates

for a wide variety of services and in the disposition and management of the universal services fund. We fully concur with the Joint Board's broad delineation of services that libraries and schools should receive at a discount, allowing schools and libraries "...maximum flexibility to purchase whatever package of telecommunications services they believe will meet their telecommunications service needs most effectively and efficiently."

We ask that the FCC follow recommendations that lessen the impact of high telecommunications and services costs for schools and libraries regardless of other economic indicators in any particular area. Some parts of Mississippi that have otherwise low to moderate cost-of-living indicators also have high telecommunications costs. None of Mississippi's counties have a per capita income that meets the national average.

With Mississippi's economic realities, it is imperative that low, discounted rates for telecommunications services for every library be a part of any finding.

The Joint Board recommends discounts for internal connections, Internet access, and other information services. The Council and the Commission support such recommendations. Many libraries in Mississippi have extremely low funding, despite substantial state aid, in large part to an inadequate tax base from which to draw funds. One library system serving three counties with an average poverty level of 27.9% maintains nine library service outlets. In the most currently available figures (fiscal 1995), the library system's budget before state aid was \$153,538 or \$2.56 per capita. State aid added \$108,731. However, personnel costs subtracted \$158,034 from funds available, leaving an average of \$11,582 per service outlet for all other operating expenses and Library material budgets. These libraries cannot afford to pay high prices for internal wiring, Internet access, information services, and/or telecommunications.

The Council and the Commission support additional discounts based upon a school's or library's ability to pay. The Joint Board's recommended discounts of 20 to 90 percent will help to insure that schools and libraries with the greatest need receive the greatest discounts. Such discounts should be based on two different measures. A disadvantaged area may contain demographic anomalies that can impact schools and libraries in very different ways. A poor county with a high elderly population may not qualify for substantial discounts for schools by some currently used measurements. None-the-less, the area's students, few though they may be, still need access to telecommunications services. Telecommunication services are services that could be made available in the local public library where need can be readily demonstrated using other economic characteristics.

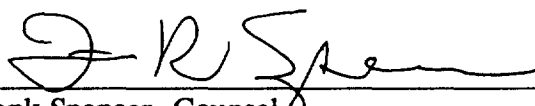
Discounts should be based on current, readily available data such as per capita income, households below the poverty level, etc. The Council and the Commission do not support using library related statistical measures. Ultimately, the resources and funding a library is given is a reflection of the value a community places on library services and there is not always a correlation with the area's economic condition. Library related statistics often reflect this dichotomy. For example, assuming "library income per capita" is chosen as the determining measure, it is often true that a poorer area may allocate more funds per capita in support of libraries than a more affluent community.

The Council and the Commission advocate administration of a program that is simple, fair, and impartial neither unduly favoring one set of beneficiaries over another, nor favoring telecommunications carriers. Neither should a program unfairly burden carriers or beneficiaries with complicated measures of need, additional purchasing requirements, or undue accounting

practices. Mississippi and other states have purchasing laws and accounting practices in place to assure responsible expenditure of public funds.

We applaud the efforts of the Federal Communications Commission and the Federal/State Joint Board in their efforts to implement the will of the Congressional drafters of the Telecommunications Act of 1996, an effort that will ultimately redound to the benefit of schools and libraries throughout our state and nation.

Respectfully submitted,

By: 
Frank Spencer, Counsel
Mississippi Library Commission
Mississippi Council for Educational Technology

CERTIFICATE OF SERVICE

I, FRANK SPENCER, SPECIAL ASSISTANT ATTORNEY GENERAL, do hereby certify that I have this day, by 1st Class Mail, delivered, a true and correct copy of the foregoing COMMENTS OF THE MISSISSIPPI ATTORNEY GENERAL upon the following persons by mailing same to them at the addresses given below, by U. S. Mail, postage prepaid:

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THIS the 16th day of December, 1996.


FRANK SPENCER